

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF EMPLOYEE PAINTERS WELFARE TRUST, et al.	COURT CASE NUMBER 2:09-CV-01831-KJD-PAL
DEFENDANT OAKVIEW CONSTRUCTION INC., et al.,	TYPE OF PROCESS Writ of Execution/Garnishment

SERVE AT NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
 Wells Fargo Bank
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
 530 Las Vegas Blvd South Las Vegas, NV 89101

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

Wesley J. Smith, Esq.
Christensen James & Martin
7440 W. Sahara Ave.
Las Vegas, NV 89117

Number of process to be served with this Form 285

1

Number of parties to be served in this case

1

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Wells Fargo Bank Accounts for Oakview Construction Inc., at least including Checking Account #5586545435 and Savings Account #1635789116, as well as other accounts pertaining to Oakview Construction.

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

(702) 255-1718

DATE

11/15/12

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.
(Sign only for USM 285 if more than one USM 285 is submitted)

Total Process

1

District of Origin
No. 048

District to Serve
No. 048

Signature of Authorized USMS Deputy or Clerk

Banaman

Date

11/21/12

I hereby certify and return that ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

Rose Garcia - Branch Mgr

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date

11/30/12

Time

1000

☒ am
☐ pm

Signature of U.S. Marshal or Deputy

3069

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS:

\$5 check # 18063
1 HR - 1.2 miles (Roundtrip)

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

1 CHRISTENSEN JAMES & MARTIN
Kevin B. Christensen, Esq.
2 Nevada Bar No. 000175
Daryl E. Martin, Esq.
3 Nevada Bar No. 006735
Wesley J. Smith, Esq.
4 Nevada Bar No. 011871
7440 W. Sahara Ave.
5 Las Vegas, NV 89117
Tel.: (702) 255-1718
6 Facsimile: (702) 255-0871
Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 EMPLOYEE PAINTERS TRUST; PAINTERS
VACATION TRUST; PAINTERS JOINT
11 COMMITTEE; PAINTERS JOINT
APPRENTICESHIP TRAINING COMMITTEE;
12 PAINTERS INDUSTRY PROMOTION FUND;
PAINTERS JOINT COMMITTEE INDUSTRY
13 PROMOTION FUND; PAINTERS ORGANIZING
FUND; PAINTERS LABOR MANAGEMENT
14 COOPERATION COMMITTEE; PAINTERS
LABOR MANAGEMENT COOPERATION
15 INCENTIVE; PAINTERS HEALTH AND
SAFETY AND UPGRADE TRAINING AWARD
16 PROGRAM, each acting by and through their
designated fiduciaries John Smirk and/or Thomas
17 Pfundstein; and the INTERNATIONAL UNION
OF PAINTERS AND ALLIED TRADES
18 INDUSTRY PENSION TRUST FUND, acting by
and through its designated fiduciary Gary J.
19 Meyers,

20 Plaintiffs,

21 v.

22 RIGGIO BROTHERS CONSTRUCTION, INC., a
Nevada corporation; OAKVIEW
23 CONSTRUCTION, INC., an Iowa corporation;
DUNRITE CONSTRUCTION, INC., a Nevada
24 corporation; RAFAEL CONSTRUCTION, INC., a
Nevada corporation; TRADE WEST
25 CONSTRUCTION, INC., a Nevada corporation;
FIRST NATIONAL INSURANCE COMPANY
26 OF AMERICA, a Washington corporation; JOHN
DOES I-XX, inclusive; ROE ENTITIES I-XX
27 inclusive,

28 Defendants.

Case No.: 2:09-CV-01831-KJD-PAL

WRIT OF GARNISHMENT

CHRISTENSEN JAMES & MARTIN
7440 W. SAHARA AVE., LAS VEGAS, NEVADA 89117
PH: (702) 255-1718 & FAX: (702) 255-0871

To: Wells Fargo Bank, NA,:

YOU ARE HEREBY NOTIFIED that you are attached as garnishee in the above-entitled action and you are commanded not to pay any debt due from yourself to the said, Oakview Construction Inc., defendants, and that you must retain possession and control of all personal property, money, credits, debts, and effects and choses in action of said defendants, or any of them in order that the same may be dealt with according to law: where the amount you should retain shall be used in accordance with 15 U.S.C 1673 and Nevada Revised Statutes 31.295. Plaintiffs are informed that Oakview has accounts at Wells Fargo, including but not limited to accounts #1635789116 and #5586545435. See Exhibit 1.

YOU ARE REQUIRED to answer the interrogatories attached hereto within twenty days from date of such service. Plaintiff states that he/she has good reason to believe, and does believe that you have property, money, goods, and chattels, credits, or effects, in your hands and under your custody and control belonging to said defendants of value of \$52,010.62. In case of your failure within the time afore said to answer the interrogatories, a judgment by default in the amount demanded may be entered against you.

YOU ARE FURTHER REQUIRED to serve a copy of your answers to the Writ of Garnishment on Plaintiffs' attorney whose address appears below. Any checks issued in relation to this case shall be made payable to: **Christensen James & Martin** and shall be delivered to Wesley J. Smith, Esq. at 7440 W Sahara Ave., Las Vegas, Nevada 89117.

CHRISTENSEN JAMES & MARTIN

Gary D. Orton, United States Marshal

By: /s/ Wesley Smith 11/14/12
Wesley J. Smith, Esq. Date

By: [Signature]
Supervisory DUSM Date

INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE UNDER OATH

1. Are you in any manner indebted to the Defendant(s) **Oakview Construction Inc.** either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars:

ANSWER: _____

_____.

2. Are you an employer of one of the Defendant(s)? If so, state the length of your pay period and the amount each Defendant presently earns during a pay period.

ANSWER: _____

_____.

3. Did you have in your possession, in your charge or under your control, on the date the WRIT OF GARNISHMENT was served upon you any money, property, effects, goods, chattels, rights, credits or choses in the action of the Defendant(s), or any of them, or in which Defendant(s) is/are interested? If so, state its value and state fully all particulars.

ANSWER: _____

_____.

4. Do you know of any debts owing to the Defendant(s), whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to the Defendant(s), or any of them, or in which Defendant(s) is/are interested, and now in possession or under the control of others? If so, state particulars.

ANSWER: _____

_____.

///

1 5. State your correct name and address, or the name and address of your attorney upon whom
2 written notice of further proceedings in this action may be served.

3 ANSWER: _____
4 _____
5 _____
6 _____.

7 6. NOTE: If an employer, without legal justification, refuses to withhold the earnings of a
8 Defendant demanded in a WRIT OF GARNISHMENT or knowingly misrepresents the earnings
9 of the Defendant(s), the Court shall order the employer to pay the Plaintiff the amount of
10 arrearages caused by the employer's refusal to withhold or his misrepresentation of the
11 Defendant's earnings. In addition, the Court may order the employer to pay the Plaintiff punitive
12 damages in an amount not to exceed \$1,000 for each pay period in which the employer has,
13 without legal justification, refused to withhold the Defendant's earnings or has misrepresented
14 the earnings.

15 I _____ do solemnly swear and affirm that the answers to the
16 foregoing interrogatories are true and correct.

17 State of Nevada)
18) ss.
19 County of Clark)

20 Subscribed and Sworn to before me this day of _____, 20____.

21 _____
22 Notary Public
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EXHIBIT 1

Business Market Rate SavingsAccount number: **1635789116** ■ July 1, 2012 - July 31, 2012 ■ Page 1 of 3**WELLS
FARGO**

DCRE11DTWR 002366

**OAKVIEW CONSTRUCTION, INC**

801 E JOY-ST

RED OAK IA 51566-1926

Questions?

Available by phone 24 hours a day, 7 days a week:

1-800-CALL-WELLS (1-800-225-5935)

TTY: 1-800-877-4833

En español: 1-877-337-7454

Online: wellsfargo.com/biz

Write: Wells Fargo Bank, N.A. (163)

P.O. Box 5247

Denver, CO 80274

Your Business and Wells Fargo

For nine years running, Wells Fargo has loaned more money to small businesses than any other bank.* Let us help you find the right credit solutions for your business. To learn more, talk to a banker, call the number at the top of your statement, or visit us at wellsfargo.com/biz.

*2002-2010 Community Reinvestment Act government data. Equal Housing Lender.

Activity summary

Beginning balance on 7/1	\$494.12
Deposits/Credits	100.05
Withdrawals/Debits	- 0.00
Ending balance on 7/31	\$594.17
Average ledger balance this period	\$590.89

Account number: **1635789116****OAKVIEW CONSTRUCTION, INC**

Colorado account terms and conditions apply

For Direct Deposit and Automatic Payments use

Routing Number (RTN): 102000076

For Wire Transfers use

Routing Number (RTN): 121000248

Interest summary

Interest paid this statement	\$0.05
Average collected balance	\$590.89
Annual percentage yield earned	0.10%
Interest earned this statement period	\$0.05
Interest paid this year	\$0.17

DCRE11DTWR 002366 NNNNNNNNNN NNN NNN 001 002 163 009033 10327485.1.1

**Transaction history**

Date	Description	Deposits/ Credits	Withdrawals/ Debits	Ending daily balance
7/2	Recurring Transfer Ref #Opec4Rsrc From Business Checking xxxxxx5435	100.00		594.12
7/31	Interest Payment	0.05		594.17
Ending balance on 7/31				594.17
Totals		\$100.05	\$0.00	

The Ending Daily Balance does not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when your transactions posted. If you had insufficient available funds when a transaction posted, fees may have been assessed.

**IMPORTANT ACCOUNT INFORMATION**

In an effort to communicate urgent account information as quickly as possible, we are changing the way we deliver account notices to Online Banking customers for whom we have a valid email address. Starting in September, we will send an email alert notifying you of an overdraft or insufficient funds notice in your secure online mailbox. These email alerts arrive up to three (3) days faster than paper notices, so you can resolve the situation more quickly and avoid additional fees. If you want to continue to receive notices by mail, please sign on to Online Banking, and go to "Delivery Preferences" and select "Online & U.S. Mail" next to Account Notices, or contact us at 1-800-956-4442.

Pg 14/12

Gold Business Services PackageAccount number: **5586545435** ■ July 1, 2012 - July 31, 2012 ■ Page 1 of 3

DCDE11DTMH 001902



OAKVIEW CONSTRUCTION, INC

801 E JOY ST

RED OAK IA 51566-1926

**Questions?**

Available by phone 24 hours a day, 7 days a week:

1-800-CALL-WELLS (1-800-225-5935)

TTY: 1-800-877-4833

En español: 1-877-337-7454

Online: wells Fargo.com/biz

Write: Wells Fargo Bank, N.A. (163)

P.O. Box 5247

Denver, CO 80274

**Your Business and Wells Fargo**

For nine years running, Wells Fargo has loaned more money to small businesses than any other bank.* Let us help you find the right credit solutions for your business. To learn more, talk to a banker, call the number at the top of your statement, or visit us at wells Fargo.com/biz.

*2002-2010 Community Reinvestment Act government data. Equal Housing Lender.

Account options

A check mark in the box indicates you have these convenient services with your account. Go to wells Fargo.com/biz or call the number above if you have questions or if you would like to add new services.

Business Online Banking ☒
 Rewards for Business Check Card ☐
 Online Statements ☐
 Business Bill Pay ☒
 Business Spending Report ☒
 Overdraft Protection ☐

Activity summary

Beginning balance on 7/1	\$7,228.32
Deposits/Credits	0.00
Withdrawals/Debits	- 114.00
Ending balance on 7/31	\$7,114.32
 Average ledger balance this period	 \$7,131.54

Overdraft Protection

This account is not currently covered by Overdraft Protection. If you would like more information regarding Overdraft Protection and eligibility requirements please call the number listed at the top of your statement or visit your Wells Fargo branch.

Account number: **5586545435****OAKVIEW CONSTRUCTION, INC**

Colorado account terms and conditions apply

For Direct Deposit and Automatic Payments use

Routing Number (RTN): 102000076

For Wire Transfers use

Routing Number (RTN): 121000248

DCDE11DTMH 001902 NNNNNNNNNN NNN NNN 001 002 163 008003 1032705.1.1

Account number: 5586545435 July 1, 2012 - July 31, 2012 Page 2 of 3



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Transaction history

Date	Check Number	Description	Deposits/ Credits	Withdrawals/ Debits	Ending daily balance
7/2		Recurring Transfer Ref #Opec4Rsnc to Business Market Rate Savings xxxxxx9116		100.00	7,128.32
7/31		Monthly Service Fee		14.00	7,114.32
Ending balance on 7/31					7,114.32
Totals			\$0.00	\$114.00	

The Ending Daily Balance does not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when your transactions posted. If you had insufficient available funds when a transaction posted, fees may have been assessed.

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